

CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

January 20, 2017

PUBLIC NOTICE

Notice is hereby given that in accordance with Section 13.030 Administrative Provision of the City of Gearhart Zoning Ordinance the Gearhart Planning Commission will hold a public hearing on Thursday, February 9, 2017 at 6:00 p.m., Gearhart City Hall, 698 Pacific Way, Gearhart, Oregon.

Said hearing is to consider a Variance application City file #17-004V submitted by Jeffrey Johnson on behalf of Young Life Breakaway Lodge located at 220 Nita Avenue and further described as Assessors Plan 6.10.9AA, Tax Lot 8000. The request seeks relief from Section 3.140 (4) Side yard setback of 5-feet in the R-1 zone to allow for construction of a concrete sidewalk and raised railed platform within the setback. Approval Criteria relevant to the application are in Section 9.030 Criteria for Granting Variances and Section 3.1 Low Density Residential Zone R-1.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria pertinent to the request are available for review at Gearhart City Hall at the office of Chad Sweet, 503-738-5501 and copies may be obtained at a reasonable cost. Staff reports will be available for inspection at no cost and may be obtained at reasonable cost seven (7) days prior to the hearing. All interested parties are invited to express their opinion for or against the request at the hearing, by letter addressed to the Gearhart Planning Commission, P O Box 2510, Gearhart, Oregon 97138, or by email at planning@cityofgearhart.com received prior to 4:00 o'clock pm the day of the hearing. The public hearing will be conducted in accordance with Section 13.050 of the Gearhart Zoning Ordinance.

Any person testifying may appeal the decision, however, failure to raise an issue, including constitutional or other issues regarding conditions of approval, with sufficient specificity to afford the City and parties to the request an opportunity to respond to the issues precludes appeal on said issue to the State Land Use Board of Appeals (LUBA), or to seek damages in circuit court due to a condition of approval.

Cheryl A. Lund
Gearhart Planning Commission
City of Gearhart

Mail/Publish 1/20/2017

CITY OF GEARHART PLANNING COMMISSION

From: Carole Connell, City Planner

Re: Approval request for a Variance

CITY STAFF REPORT

February 2, 2017

City File # 17-004V Breakaway Lodge Side Yard Setback Variance

Application Purpose: An application for approval of a Variance to construct a concrete walk, foundation and raised platform that will be connected to an existing back porch on the north side of the lodge, located within the minimum 5-foot building setback area of the north side property line. Further, from the existing pavement of Nita Avenue the concrete walk is proposed to commence in the public street right-of-way for a length of 14 feet.

Public Hearing Date: February 9, 2017

Property Owner: Young Life Campaign
PO Box 520
Colorado Springs, Colorado 80901

Applicant: Jeffrey Johnson
Young Life Campaign
PO Box 2685
Gearhart, Oregon 97138

Location: 3095 Hwy 101 North; Tax Lots 08000 Map 06N10 09AA

Completeness: 01-11-17

Notice Mailed: 01-20-17

Notice Published: 01-20-17

Initial hearing: 02-09-17

120-day deadline: 05-01-17

Exhibits: Applicant's application, site plans, & photos
Gearhart Volunteer Fire Dept.: no concerns 1-24-17
Gearhart Building Inspector: meet fire code 1-18-17
Gearhart City Manager: comments 1-17-17

Gearhart Police Chief: non concerns 1-24-17
Gearhart Public Works: don't cover water meter 1-23-17
Email from Christopher June 1-24-17, neighbor with concerns

Review Criteria: GZO Section 3.1 Low Density Residential Zone R-1
GZO Section 9.010 Variances
GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to relocate the lodge's food and supply deliveries currently being delivered to the rear of the lodge on Marion Avenue and proposed to be delivered to the front of the lodge on Nita Avenue.
- B. Site information: The subject parcel (7 lots) owned by the applicant has frontage on both Marion and Nita Avenue. The building faces Nita but currently has delivery access on Marion Avenue. The existing lodge building and rear deck is currently located 6'2" from the north property line in compliance with the 5 foot minimum setback requirement. The proposed concrete walkway is 36' – 46' wide. The first 14 feet are in the Nita Ave right-of-way. The walkway is 111 feet long running west to the rear NW property corner for a total of 111 feet. Site topography rises up to the lodge, flattens then drops down in the rear. Therefore the westernmost 29 feet of the walkway must be set on a retaining wall that is 71" at its highest in the rear. The full length of the walkway and ramp is proposed to be situated between 28 and 39 inches from the north property line. The raised platform and railing is as estimated 28" from the north property line.

The walkway is not considered a structure and can be located in the setback. But the ramp and raised platform is a structure and is required to be setback 5 feet. Further, the concrete walk is not permitted in the Nita Avenue public right-of-way, currently a lawn.

- C. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated Low Density Residential R-1 by the Gearhart Zoning Ordinance. GZO Section 3.1 R-1 Zone requires a 5-foot side yard setback on one side and a 9' setback on the other side.
- D. Agency Coordination: The proposal was referred to city departments. The City Building Official is concerned about the wood railing system located 28 inches from the property line, and said the one-hour fire resistant rating can be met by using a non-combustible material or applying a fire resistant product to the wood. City Manager said the noise on D and Marion streets will be reduced, but moved to Nita and B streets.

E. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential R-1 zone is to provide for low density single family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses.

FINDINGS: The low-density residential neighborhood surrounds the lodge, considered a Conditional Use in the zone. Marion Avenue in this location is more densely developed than Nita Avenue where there are more vacant lots, the land is flatter and the pavement ends at the subject site. Currently, in the rear of the lodge property there is an asphalted or graveled driveway suitable for delivery trucks to maneuver on site. Delivery trucks directed to the proposed Nita Avenue delivery site would be required to park in the street and walk the property line to deliver merchandise. In either case traffic and disruptions affect surrounding residences, although more may be affected on Marion at this point in time.

F. GZO Section 9.030 Criteria for Granting Variances

A Variance to a requirement of this ordinance with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, decks and walls, and other quantitative requirements may be granted only if, on the basis of the application investigation and evidence submitted, findings are made based on the four criteria listed below. No variance may be granted which will permit a use not permitted in the applicable zone.

1. The request is necessary to prevent a hardship to the applicant; and

FINDINGS: The City finds a variance to residential setbacks is not necessary to prevent a hardship. There is no evidence that the applicant will suffer a hardship if they cannot relocate their deliveries to the north side of the building.

a. Relevant factors to be considered in determining whether a hardship exists include:

(1). Physical circumstances related to the property involved;

FINDINGS: Currently the existing deliveries from Marion Avenue are able to park and maneuver on a flat, asphalted area on church property. The proposed location has varied terrain and requires a retaining wall and structure to be built in

the minimum setback adjoining another parcel in order to reach an entry. Further, the trucks need to remain parked in the street while the merchandise is walked to the side porch entry. The proposal requires 14 feet of the walkway to be located in the public street right-of-way. The physical circumstances on the site are more favorable in the current location.

(2). Whether reasonable use can be made of the property without the variance;

FINDINGS: The City finds that reasonable use can be made of the property without a variance to the north setback in order to build a structure, and without extending a private walkway into public right-of-way.

(3). Whether the hardship was created by the person requesting the variance;

FINDINGS: The applicant was aware a variance approval was required to locate and construct the walkway and elevated structure in the required setback area. The proposal was created by the applicant.

2. The proposed development that will result from the granting of the variance will not be injurious to the adjacent area in which the property is located; and

FINDINGS: At the time this report was published Christopher June, owner of adjoining Tax Lots 7800 and 7900, sent an email 1-24-17 expressing concern about visual privacy from the proposed ramp/deck structure and the walkway, the increase in noise adjoining their property line and the rerouting of deliveries from Marion to Nita Avenue. The effects of deliveries will be the same only shifting from adjoining properties on Marion and D streets to adjoining properties on Nita and B streets.

a. Relevant factors to be considered in determining whether the proposed development will be injurious to the adjacent area include:

The physical impacts such development will have such as:

(1) Views from adjacent property;

FINDINGS: The existing land use and zoning is predominantly residential in the immediate and larger surrounding area. A view of the existing operation from adjacent property on Marion Avenue is minimal because of the large setbacks from the existing delivery area and the existing vegetation. The proposal delivery entry affects adjacent property to the north who will have a view of the walkway

structure and delivery personnel without any land area to add screening on the applicant's side. Exterior lights may be added on the walkway or on the building which may negatively impact the adjoining property.

(2) Privacy available to adjacent property;

FINDINGS: The adjacent property to the north currently has a view primarily of the shingled exterior wall at the west end of the north side of the building and five windows and front porch on the east end of the building, with a row of Pine trees between the two properties. The view will change by adding the elevated structure and railing, possible lighting and by the delivery personnel on the north side of the building. It appears the existing trees on the adjoining lot to the north will remain but will be very close to the walkway. Walkway construction may affect the survivability of some or all of the trees.

(3) Ability to provide and maintain public improvements such as streets, utilities and drainage;

FINDINGS: Utilities to the subject site will not change. Access to both Marion and Nita Avenues to the building will be maintained with or without the variance. The proposal will add a pedestrian access to the lodge inside the north side yard setback area. The proposed private concrete walkway will be located partially in the public street right-of-way, which is not permissible.

(4) Potential for geologic hazard; and

FINDINGS: The City finds approval or denial of the subject variance request will have no bearing on the potential for geologic hazards on the site or in the area.

(5) Noise Generated.

FINDINGS: There is concern that the current noise and activity from periodic deliveries, up to two times a week in the summer, will increase on the north side of the lodge. There would be a decrease in noise on the west side of the lodge.

3. The request is necessary to enable reasonable use of the property; and

FINDINGS: The City finds there is no evidence that the proposed variance is necessary to enable reasonable use of the property.

4. The request is not in conflict with the Comprehensive Plan.

FINDINGS: The City finds there are policies in the Comprehensive Plan that require development to be compatible with the residential character of Gearhart.

- *“The City will recognize the importance of the City’s residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions;”
and*

The City finds the proposal will reduce the amount of traffic and noise from deliveries to the lodge from Marion Avenue and D Street, but will increase the same disruptions on Nita Avenue and B Street.

G. GZO Article 13 Application. Notice and Hearing Procedures

The variance application was filed, the notice was mailed and published and a public hearing by the Planning Commission is scheduled for February 9, 2017.

II SUMMARY CONCLUSION

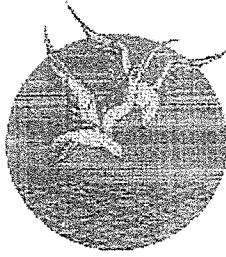
The City finds there is a lack of evidence that all of the four required Variance Approval Criteria have been met. The City finds construction of a private concrete walkway in the public street right-of-way is not permitted.

III. RECOMMENDATION

Based on the findings in this report staff recommends the Variance request be denied.

However, if the Planning Commission finds the Variance approval criteria can be met with additional findings and the request can be approved then staff recommends an approval be subject to the following conditions:

1. The 14-foot section of concrete walkway proposed to be located in the Nita Avenue right-of-way shall be removed.
2. A one-hour fire resistant rating required by the Oregon Structural Specialty Code shall be met by using a non-combustible material or by applying a fire resistant product to the wood, in accordance with a Building Permit approval.
3. The applicant shall revise the plan by adding an opaque landscape screen on the north side of the walkway the full length of the walkway, if approved by and coordinated with the adjoining property owner.



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APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION
2ND THURSDAY, 6:00 PM

DATE RECEIVED 12/21/2016

1. APPLICANT: Young Life Breakaway Lodge PHONE: 503.717.9261
MAILING ADDRESS: PO Box 2685 Gearhart, OR 97138
EMAIL ADDRESS: breakaway@breakaway.younglife.org CELL PHONE: 503.338.9774
2. PROPERTY OWNER: Young Life Campaign PHONE: 719.381.1800
MAILING ADDRESS: PO Box 520 Colo. Springs, CO 80901-0520
EMAIL ADDRESS: mat@sc.younglife.org CELL PHONE: 979
3. SURVEYOR/ ENGINEER: _____ PHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____ CELL PHONE: _____
4. LEGAL COUNSEL: _____ PHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____ CELL PHONE: _____
5. PROPERTY LOCATION: 220 Nita Avenue
6. LEGAL DESCRIPTION OF PROPERTY:
(A) ASSESSORS PLAT AND TAX LOT: 61009 AA 08000
(B) ADDITION, BLOCK, AND LOT: Kruses Second Addition, 8000, 7124-29-32

PER SEC 13.080 OF THE GEARHART ZONING CODE ACTUAL EXPENSES INCURRED BY THE CITY DURING THE PROCESS OF TECHNICAL EVALUATION OF AN APPLICATION SHALL BE BORNE BY THE APPLICANT, IN ADDITION TO THE FILING FEES ESTABLISHED BY RESOLUTION. UNPAID PENALTIES, FINES OR INCUMBRANCERS OWED TO THE CITY OF GEARHART ARE GROUNDS FOR WITHHOLDING ISSUANCE OF A PERMIT. DO YOU OWE ANY MONEYS TO THE CITY OF GEARHART? (CIRCLE) YES NO

7. SIGNATURE (APPLICANT) J. D. Johnson DATE: 12-15-2016
PRINT Jeffrey D. Johnson 503.338.9774
8. SIGNATURE (OWNER) J. D. Johnson DATE: 12-15-2016
PRINT Jeffrey D. Johnson

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

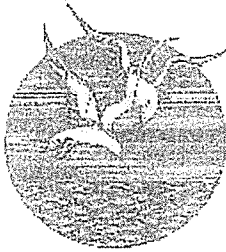
TO BE COMPLETED BY STAFF

DOES APPLICANT OWN ANY MONEY TO THE CITY?
FOR _____ ACCOUNT # _____

IF SO, AMOUNT _____
DEPARTMENT STAFF _____ (INITIAL)

OCTOBER 2016

APP COVER (2) 2016



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

APPLICATION FOR VARIANCE

APPLICATION FEE: \$400.00 PD CL

APPLICANT Young Life Breakaway Lodge CONTACT PHONE # 503.338.9774
ADDRESS 220 Nita Ave, P.O. Box 2685, Gearhart, OR 97138
EMAIL ADDRESS breakaway@breakaway.younglife.org
OWNER NAME (PRINT) Young Life Campaign (Agent: Jeff Johnson)
OWNER SIGNATURE [Signature]
PROPERTY ADDRESS 220 Nita Avenue PRESENT CITY ZONE DISTRICT _____
LEGAL MAP & TAX LOT # 61009 AA 08000

DESCRIBE THE REQUEST To run a concrete sidewalk within our north setback, terminating with a raised and railed platform connecting with our back porch to facilitate deliveries from Nita Ave and removing them from Marlin Ave.

ATTACH A SITE PLAN SKETCH OF THE PROPOSAL DRAWN TO SCALE illustrating the size, and location, of existing uses and structures on the property and describing the proposed variance. (1"=20' scale will fit on an 8-1/2" x 11" sheet of paper.)

GEARHART ZONE CODE SECTION 9.030 CRITERIA FOR GRANTING VARIANCE: Variance to a requirement of this ordinance with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, decks and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, evidence submitted and findings are made based on the four approval criteria. Please attach a narrative that answers the following approval criteria:

1. Explain how the request is necessary to prevent a hardship to the applicant; and
2. Will the proposed development that results from the granting of the variance be injurious to the adjacent area in which the property is located? Describe adjoining uses and possible impacts if the variance is granted; and
3. Is the request necessary to enable reasonable use of the property; and
4. Is the request in conflict with the Gearhart Comprehensive Plan?

PLEASE NOTE: In addition to the fee, costs may be incurred as a result of staff time investigating and/or writing of the staff report that may be required to be paid by the applicant. City Staff may determine that other material or information is deemed necessary for their evaluation. The applicant may find it beneficial to consult with the planning staff about the application.

COPIES: AFTER THE APPLICATION IS DEEMED COMPLETE SUPPLY 15 COPIES DRAWN TO SCALE NO SMALLER THAN 11" X 17" AND ONE PDF SENT TO planning@ci.gearhart.or.us

PUBLIC NOTICE: ATTACH LIST OF NAMES OF RECORD OWNERS OF CONTIGUOUS LAND WITHIN 100 FEET

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

NOVEMBER 2016

VARIANCE

Young Life Breakaway Lodge
220 Nita Ave., Gearhart
Jeff Johnson
(503) 338-9774

CRITERIA FOR GRANTING VARIANCE

VARIANCE REQUEST: Permission to run a 36" – 46" wide, 111' long concrete sidewalk within our north setback (6' 7"). The final 29' will be a raised and guard-railed platform connecting with our back porch. The rise will be from ground level to 71". This sidewalk would run along boundary of our 8000 lot and our neighbors 7901 lot. The sidewalk would extend 14' into the city right of way, the edge of our front lawn.

1. Explain how the request is necessary to prevent a hardship to the applicant.

There is no hardship for us. It will however improve the "residential" experience of property owners and guests on D Street between Nita and Marion Avenues, and along a stretch of Marion Avenue from D Street north.

This project will facilitate food, freight, and parcel deliveries from Nita Avenue, and remove deliveries from the narrower, more densely developed corridor to the rear of our property along D Street and Marion Ave.

2. Will the proposed development that results for the granting of the variance be injurious to the adjacent area in which the property is located? Describe adjoining uses and possible impacts if the variance is granted.

We do not believe so. Christine Dickey & Stephen Griffith of Portland own the three, yet undeveloped, lots immediately north of the proposed project (172 Nita Ave, 7801, 7901, & 8100). They also own the three lots east of these lots (6300, 6400 & 6500), and our lots, and the location of the proposed project (across Nita Avenue). They have a home on the lot on northeast corner of B Street and Nita Avenue (183 Nita Ave).

More than two-third (82') of this project will be sidewalk at ground level. The remaining platform (29') with cedar railing, we believe, will be an aesthetic improvement to the view of our property from any future development on 172 Nita Avenue.

Concerning traffic, Christine Dickey & Stephen Griffith and their guests may experience slightly more activity. Other neighbors to the front of the lodge should not experience significant change. Most of our delivery vehicles already come down B Street (or D Street) to Nita Avenue to access our rear delivery area. Currently, when the food service company makes a delivery with their larger tractor-trailer rigs, they park on Nita Avenue in front of our garage at the south of our property and hand truck deliveries from there. We receive food deliveries less than weekly during the school year and no more than twice a week during the summer. Deliveries are completed under forty-five minutes and the truck will be able to park as not to block access to Christine Dickey & Stephen Griffith's driveway. If it does get blocked, there is access from A Street as well. The UPS and FedEx deliveries are quick.

Concerning Christopher June's property (175 S Marion Ave), the corner of the platform will be reduced from 7' 8" to 4' 4" from their southeast fence post.

3. Is the request necessary to enable reasonable use of the property?

No. It will however improve the "residential" experience of property owners and guests on D Street between Nita and Marion Avenues, and along a stretch of Marion Avenue from D Street north.

4. Is the request in conflict with the Gearhart Comprehensive Plan?

No. The request supports the GENERAL DEVELOPMENT GOALS, Residential Development Policies, which reads,

4. The City will recognize the importance of the City's residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions.

(Gearhart Comprehensive Plan – Goals and Policies, p. 1)

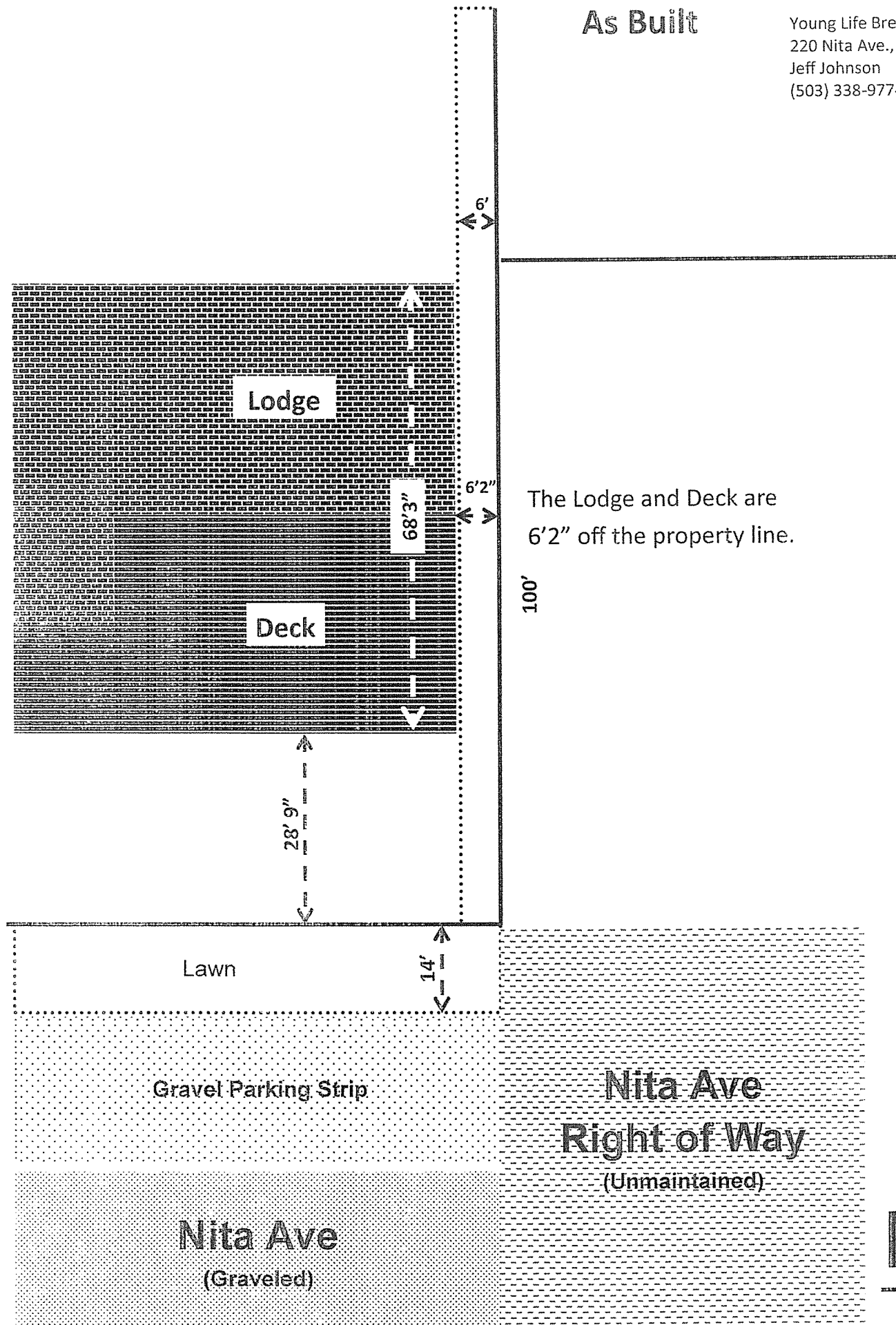
PROPERTY OWNERS WITHIN 100' OF PROJECT

Maptaxlot: 61009AA07801
Tax Map: 6.10.9AA
Account: 8961
Owner: Griffith Stephen L
Owner 1: Dickey Christine L (503) 636-3636
Situs Addr: 172 Nita Ave
Situs City: Gearhart
Mail Addr: 10221 SW Terwilliger Pl
Mail City: Portland
Mail Zip: 97219
Tax Code: 1005

Maptaxlot: 61009AA07800
Tax Map: 6.10.9AA
Account: 8960
Owner: June Christopher W (503) 717-1327
Situs Addr: 175 S Marion Ave
Situs City: Gearhart
Mail Addr: 1975 SW Edgewood Rd
Mail PO Box:
Mail City: Portland
Mail Zip: 97201-2237
Tax Code: 1005

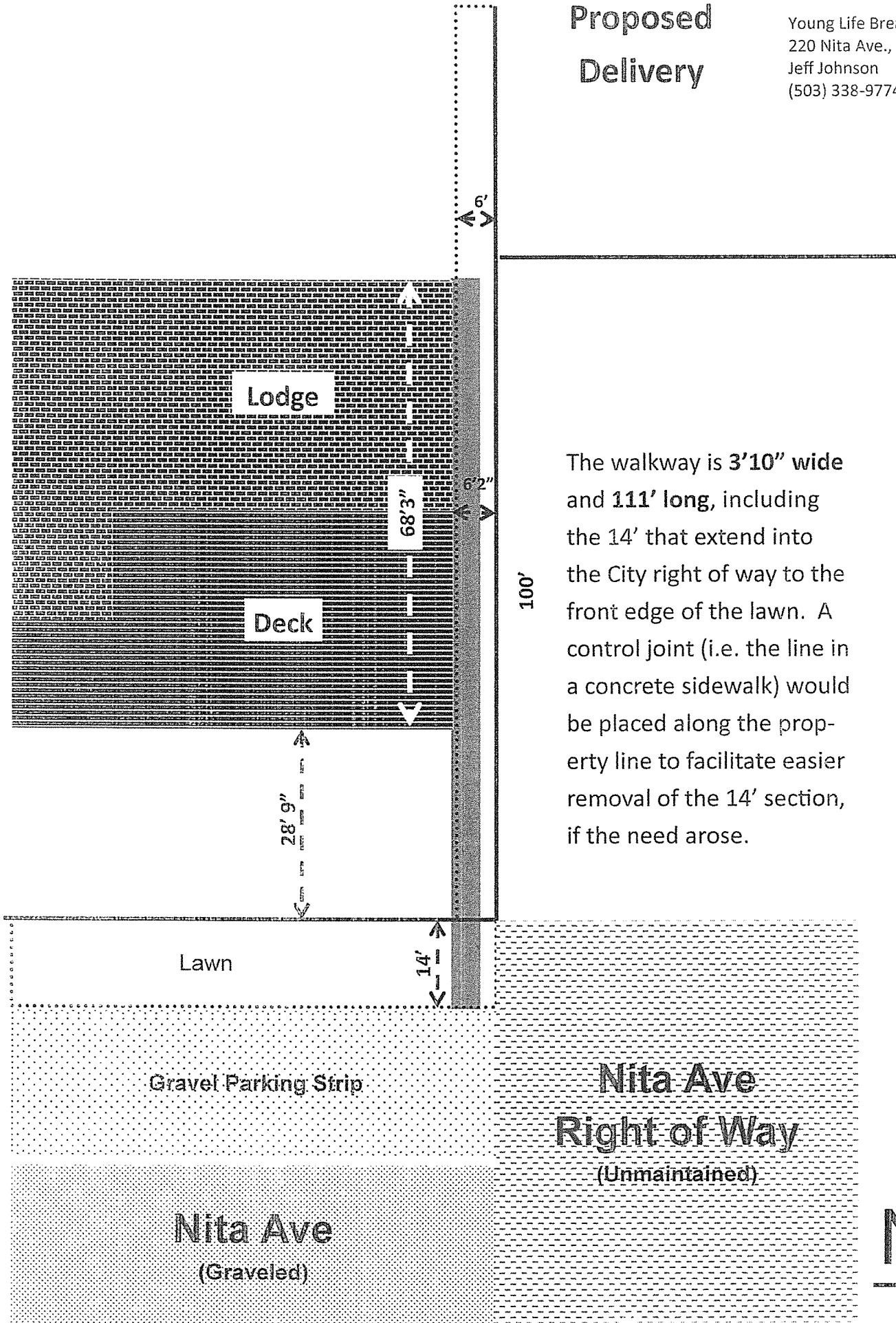
As Built

Young Life Breakaway Lodge
220 Nita Ave., Gearhart
Jeff Johnson
(503) 338-9774



Proposed
Delivery

Young Life Breakaway Lodge
220 Nita Ave., Gearhart
Jeff Johnson
(503) 338-9774



The walkway is 3'10" wide and 111' long, including the 14' that extend into the City right of way to the front edge of the lawn. A control joint (i.e. the line in a concrete sidewalk) would be placed along the property line to facilitate easier removal of the 14' section, if the need arose.

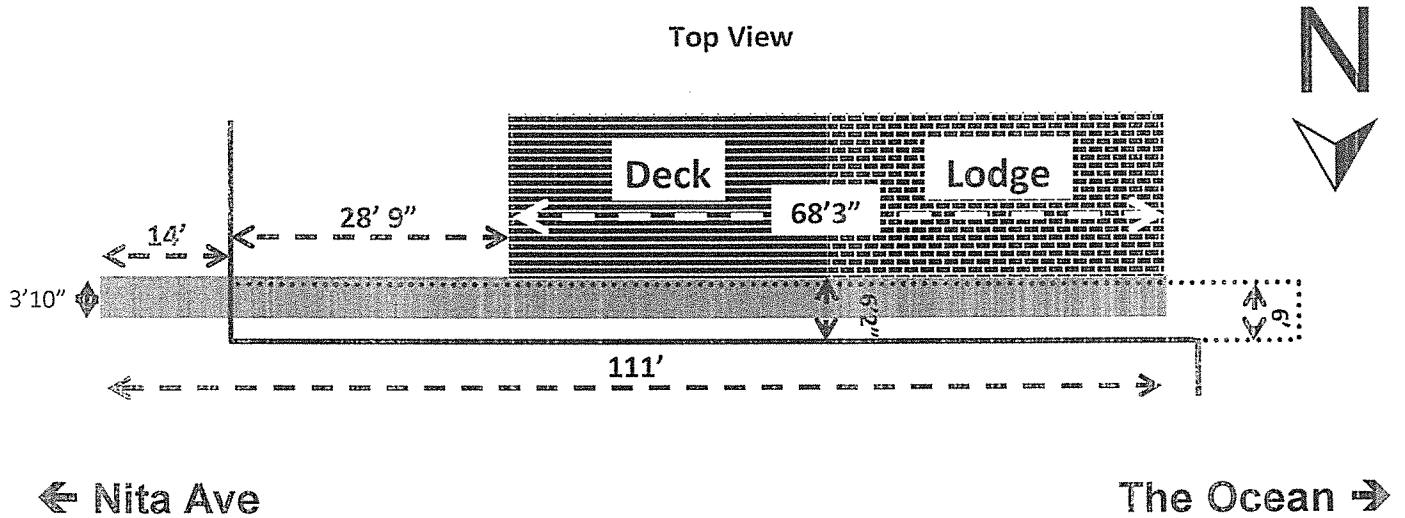


1" = 20'

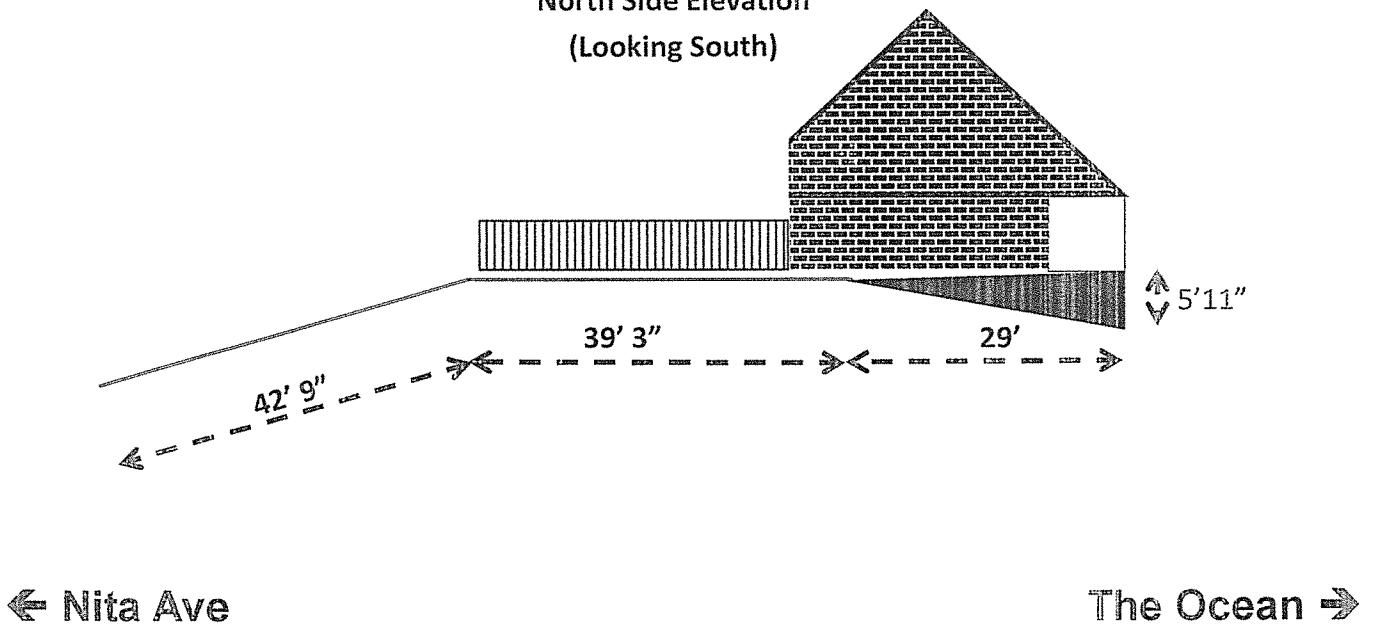
Proposed Delivery

Young Life Breakaway Lodge
220 Nita Ave., Gearhart
Jeff Johnson
(503) 338-9774

Top View

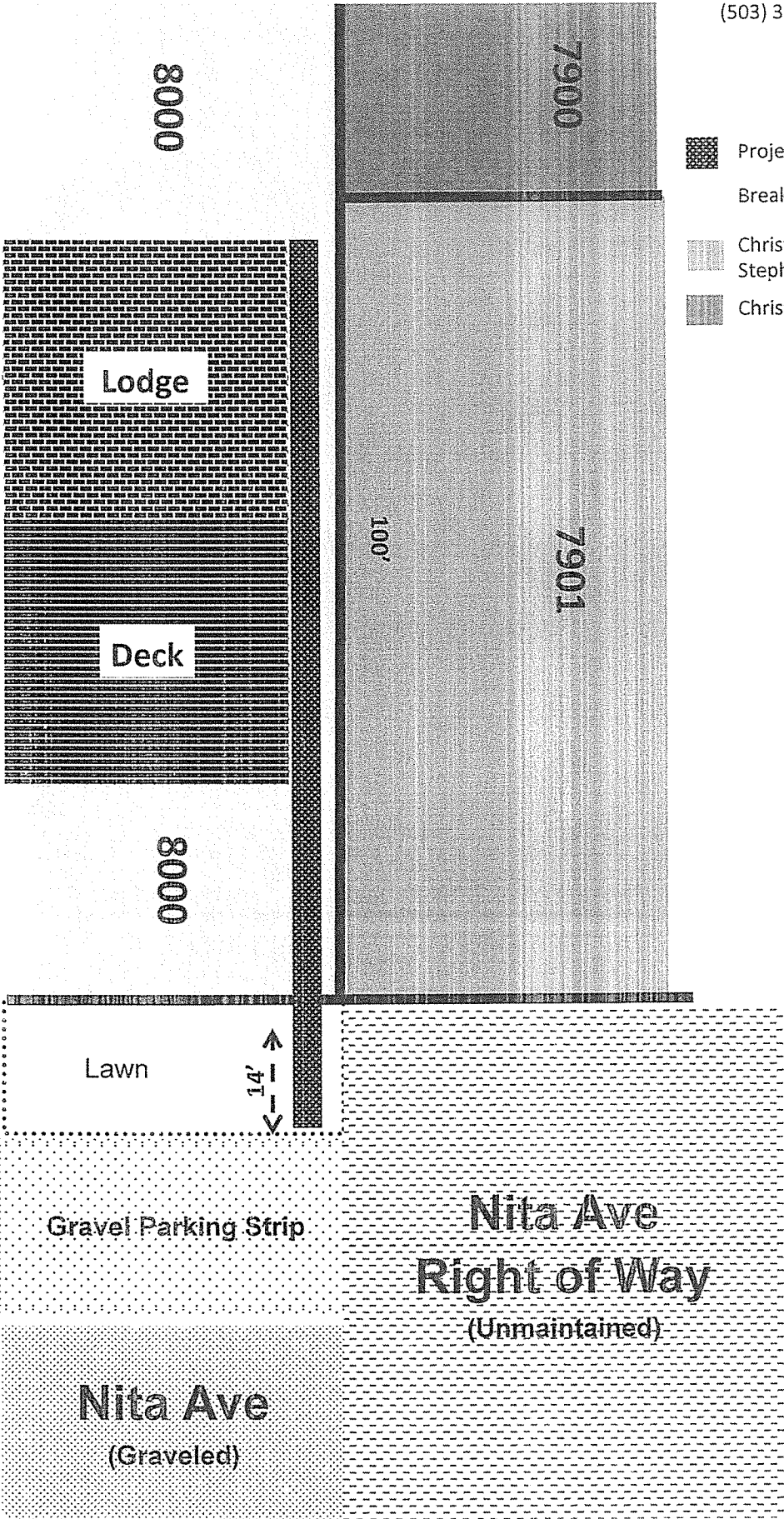


North Side Elevation
(Looking South)



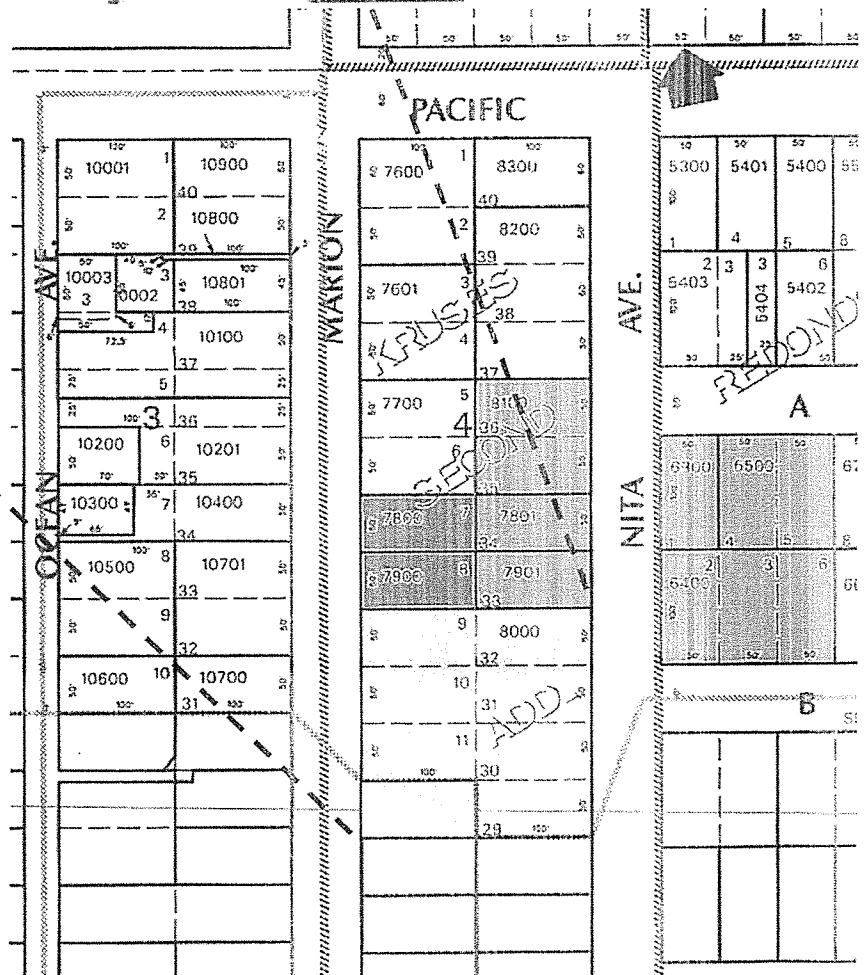
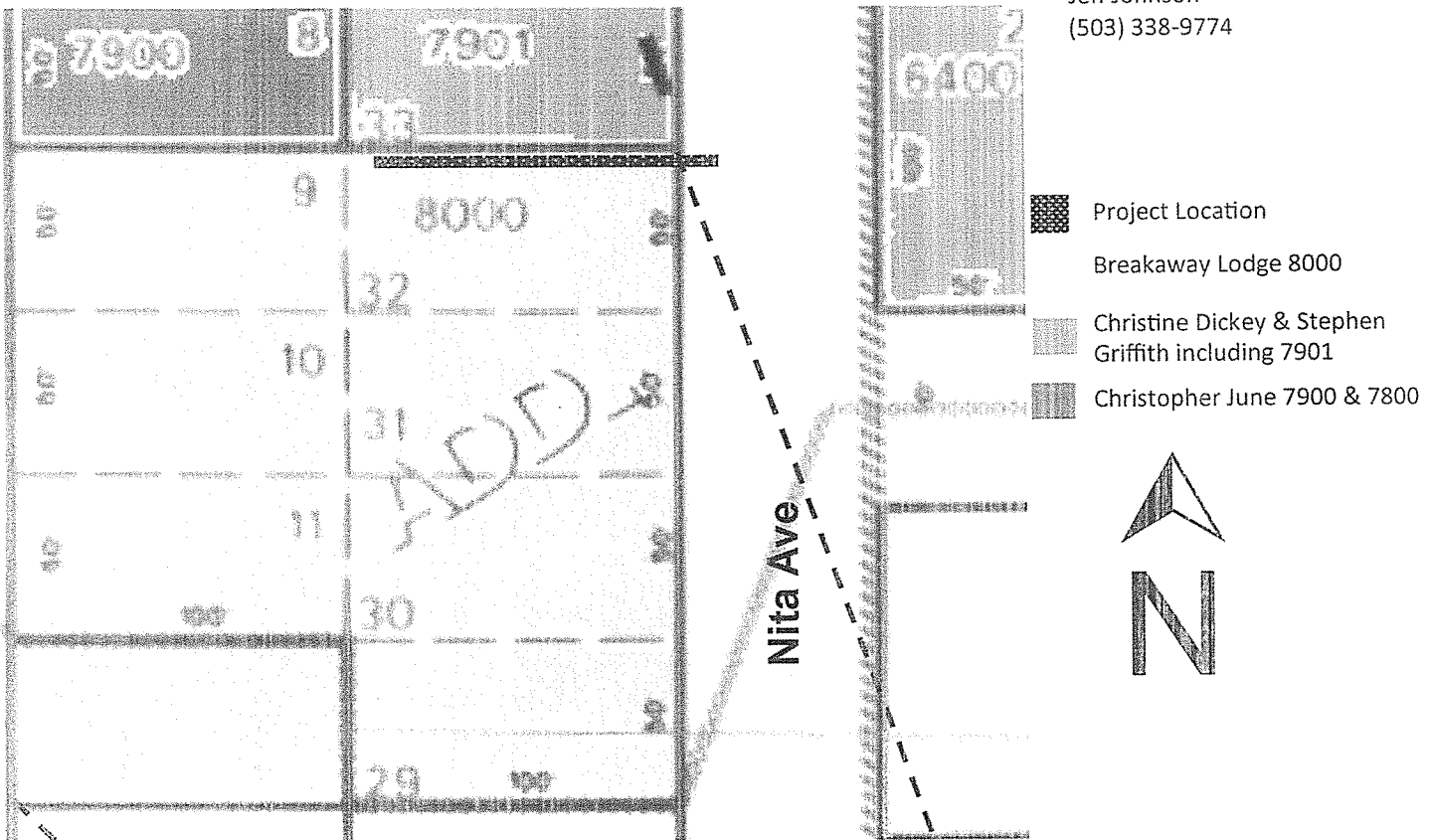
Proposed Delivery

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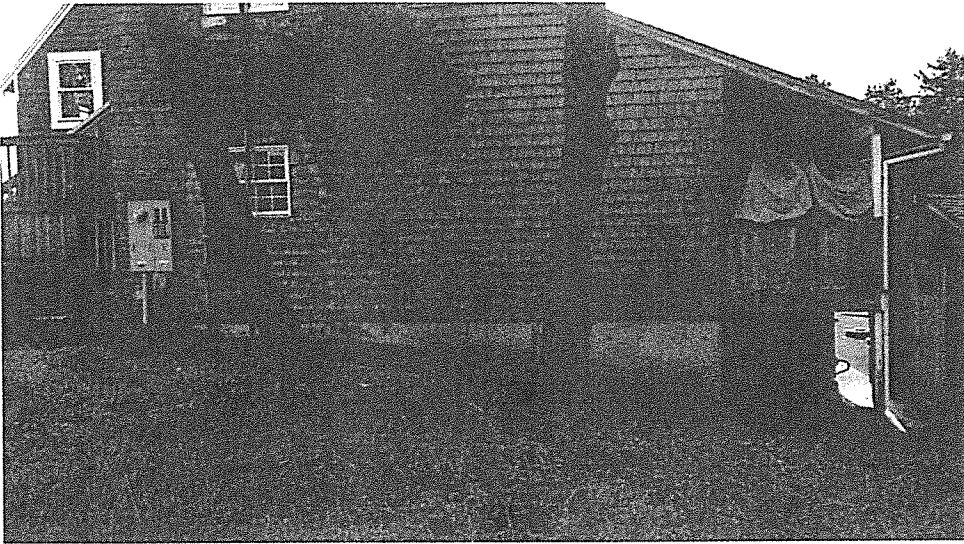
1" = 20'

Young Life Breakaway Lodge
220 Nita Ave., Gearhart
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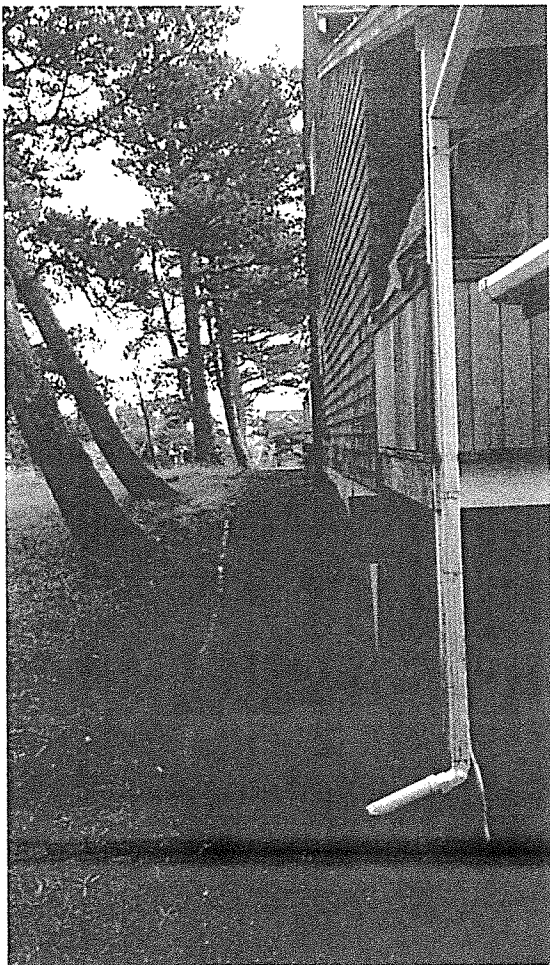


As Built

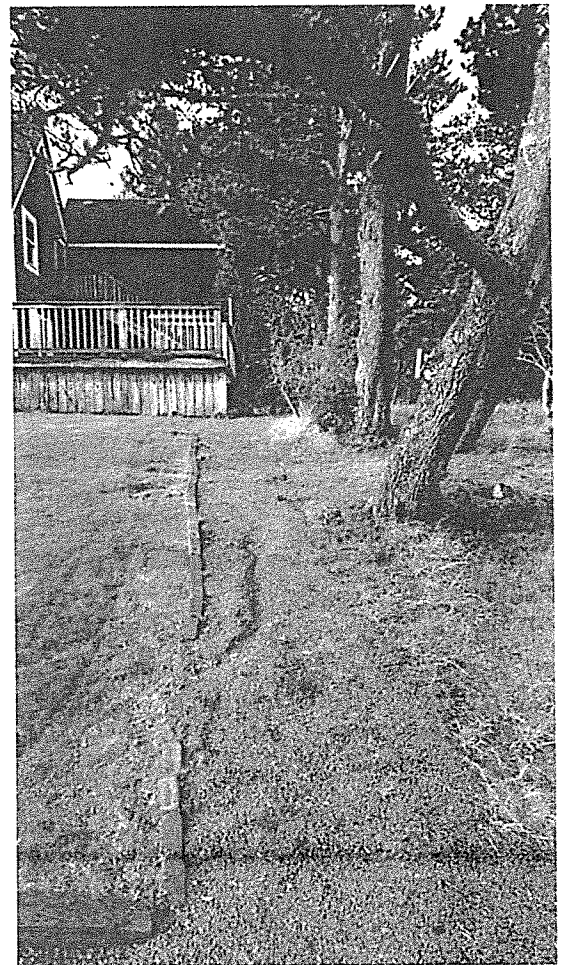
Young Life Breakaway Lodge
220 Nita Ave., Gearhart
Jeff Johnson
(503) 338-9774



North Side of Lodge (Looking South)



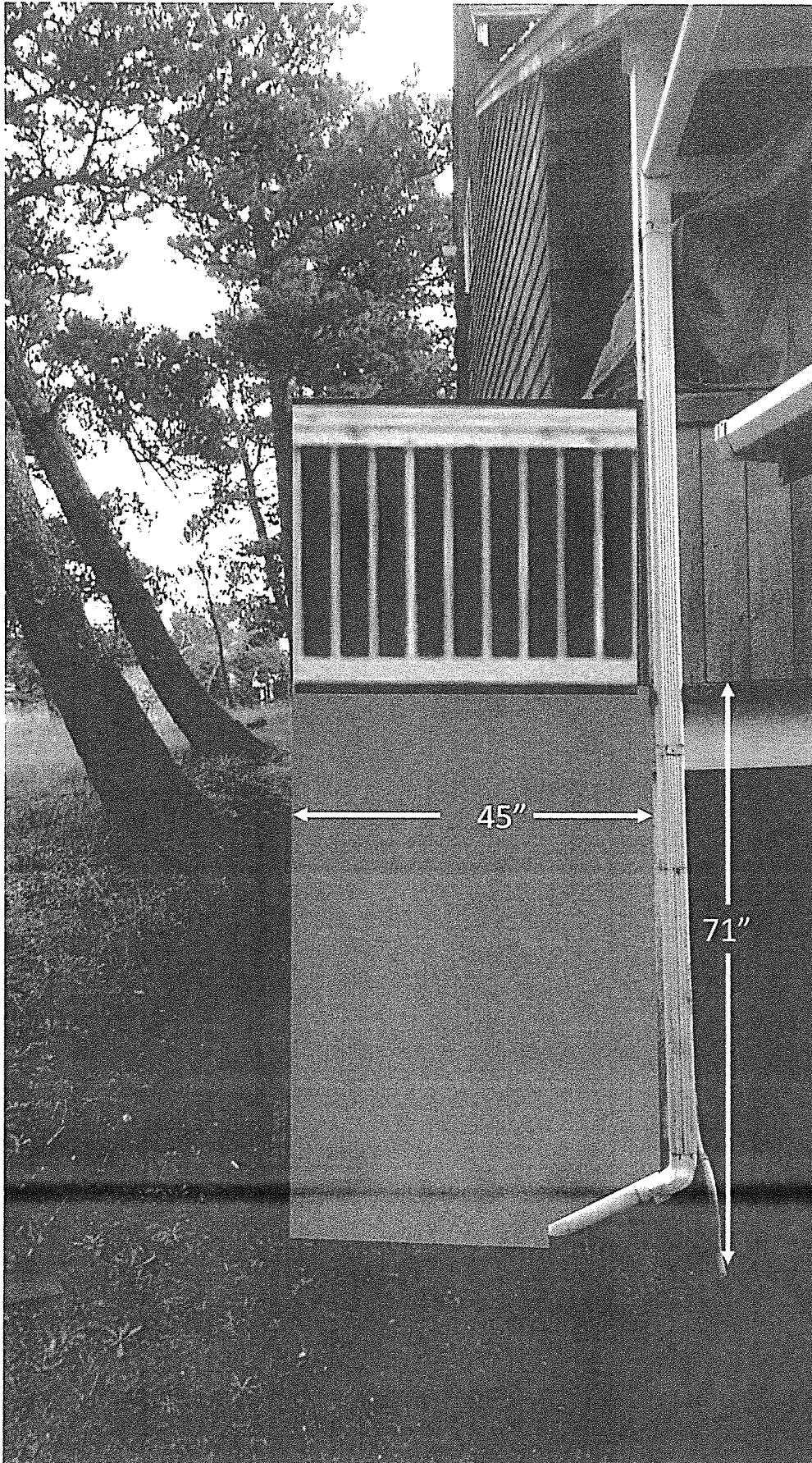
North Side of Lodge from Backyard (Looking East)



North Side of Lodge from Street (Looking West)

Proposed Delivery

Young Life Breakaway Lodge
220 Nita Ave., Gearhart
Jeff Johnson
(503) 338-9774



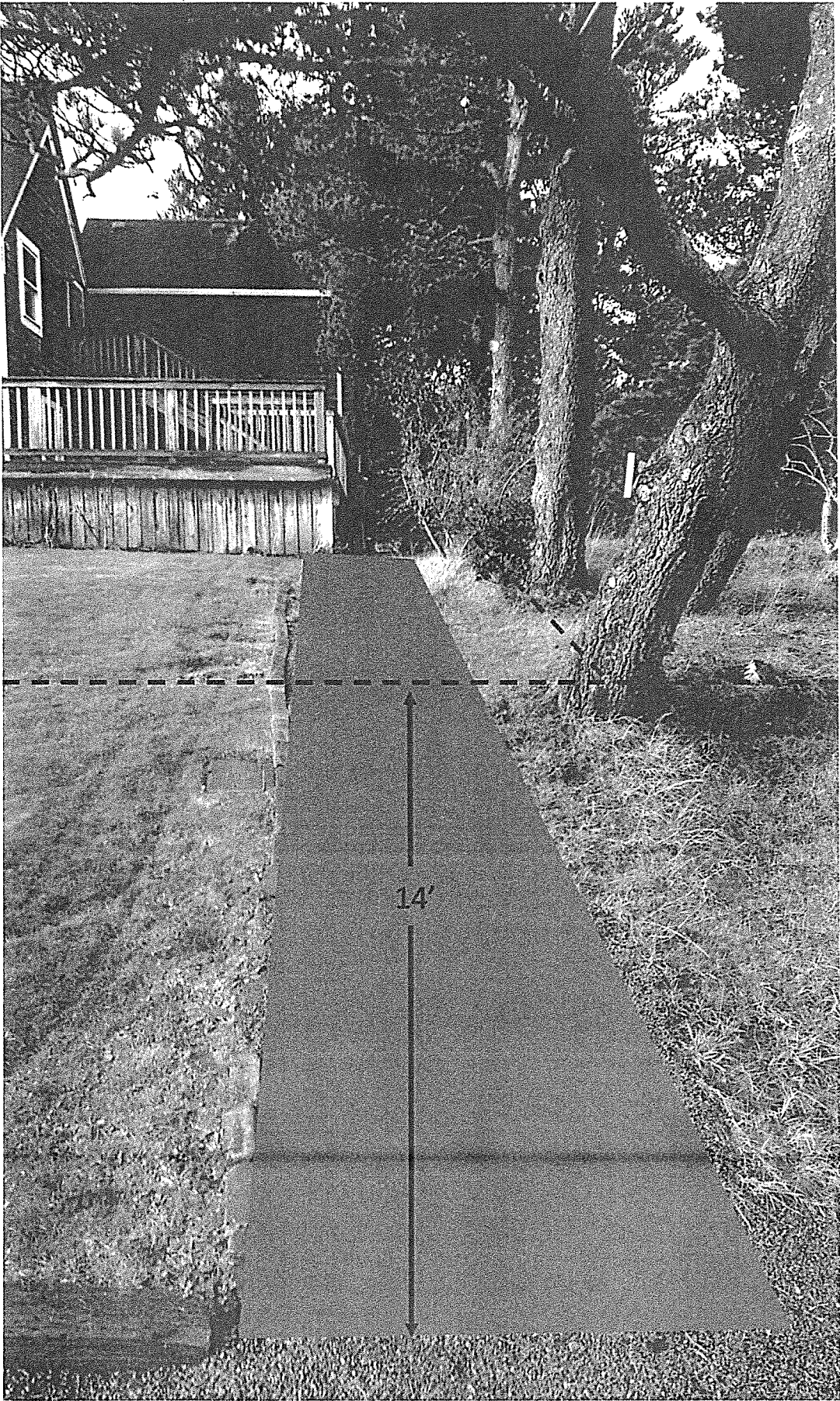
Proposed Delivery

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Proposed Delivery

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220 Nita Ave., Gearhart
Jeff Johnson
(503) 338-9774



Property Line

City Easement

Nita Ave

Cheryl Lund

From: william june
Sent: Tuesday, January 24, 2017 1:28 PM
To: planning@cityofgearhart.com
Cc: susan e mail; Stephen Griffith
Subject: Re: Breakaway Lodge Variance Request

I am Christopher W. June, owner of lots 7900 and 7800. Issues of concern are : (1) How does the proposed ramp affect our visual privacy ? (2) The use of the walkway and ramp: Frequency of use? Time of day? Noise associated with use? If the intention is to reroute deliveries from Marion Avenue to Nita, traffic on this walkway and ramp could be substantial and problematic for us. Currently this is an area of very little activity.

Will the staff report address these two issues? Do the variance approval criteria permit consideration of these issues? Would it be possible to e mail me a copy of the staff report when it becomes available?

Thanks for keeping me informed. CWJ

1975 SW/ Edgewood Rd
Pdx 97201